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In re Application of :
Beckley et al. :
Application No. 10/660186 :
Filing or 371(c) Date: 09/11/2003 : DECISION
Attorney Docket Number: A01477 : ON PETITION

This is a decision on the petition Under 37 CFR 1.181 to withdraw holding of abandonment, filed October 16, 2008.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed May 3, 2007, wherein no claims were allowed. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed an Amendment in response to the Office action on July 3, 2007; however, the Amendment was non-compliant. Applicant was so notified in a Notice of Non-Compliant Amendment, mailed July 16, 2007. Applicant then filed a Notice of Appeal and a Request for Notice of Appeal in response to the Office action on October 3, 2005, and a Pre-Appeal Brief Request for Review on July 30, 2008.

In a Notice of Panel Decision from Pre-Appeal Brief Review mailed March 11, 2008, Applicant was notified that prosecution would be re-opened. The rejection was withdrawn and a new Office action was to be mailed. Applicant was informed that no further action was required by Applicant at that time.

Thereafter, this Office mailed a Notice of Abandonment on October 7, 2008, indicating as the reason for abandonment Applicant's failure to reply to the Notice of Panel Decision from Pre-Appeal Brief Review, mailed March 11, 2008.

Applicant's Assertion

Applicant files the present petition and asserts that no reply to the Notice of Panel Decision from Pre-Appeal Brief Review, mailed March 11, 2008, was due from Applicant.

Office records

A review of the Notice of Panel Decision from Pre-Appeal Brief Review mailed March 11, 2008, confirms that Applicant was notified that no further action was required by Applicant at that time, and that a new Office action would be forthcoming.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 1796 for the mailing of a new Office action in accordance with the Notice of Panel Decision from Pre-Appeal Brief Review mailed March 11, 2008, in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions